

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Kevin Green,

Defendant.

**MEMORANDUM OPINION
AND ORDER**

Crim. No. 19-103 (03)

Justin A. Wesley, Assistant United States Attorney, Counsel for Plaintiff.

Robert D. Richman, Counsel for Defendant.

This matter is before the Court on the Reports and Recommendations of United States Magistrate Judge Elizabeth Cowan Wright dated April 27, 2020, (Doc. No. 212) and August 26, 2021 (Doc. No. 355) which address multiple motions to suppress evidence obtained through a number of warrants and a motion for severance. (See Doc. Nos. 89, 99, 141, 158, 166, 172, 258 and 266.) Defendant has filed objections to both Reports and Recommendations. (Doc. Nos. 255, 359.)

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). This review includes the

parties' submissions, the transcripts of the evidentiary hearings, and the exhibits admitted at those hearings. Based upon that review, and in consideration of the applicable law, the Court will adopt the April 27, 2020 Report and Recommendation in its entirety, and will adopt the August 26, 2021 Report and Recommendation, with the exception that the Motion to Suppress the Tracking Warrant for the 612-219-98XX Cellphone is now moot, as the Government does not intend to offer evidence obtained from this warrant. (Doc. No. 361 at 6.) Accordingly, the Court will not adopt that portion of the Report and Recommendation that addresses the Tracking Warrant for the 612-219-98XX Cellphone.

IT IS HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated April 27, 2020, as it applies to Defendant Green's motions [Doc. No. 212];
2. Defendant's Motions to Suppress Evidence Obtained by Execution of the Search Warrant dated July 8, 2019 for the residence at 1170 McAndrews Road East, Burnsville, Minnesota [Doc. Nos. 89 and 166] are **DENIED**;
3. Defendant's Motion for Suppression of Evidence Obtained by Means of Electronic Surveillance [Doc. Nos. 99 and 158] are **DENIED**;

4. Defendant's Motion to Suppress the Warrant of July 8, 2019 [Doc. No. 141] is **DENIED**;
5. Defendant's Motion to Suppress his Arrest on July 8, 2019 [Doc. No. 172] is **DENIED**;
6. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated August 26, 2021 [Doc. No. 355] in part, as set forth above;
7. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Doc. No. 258] is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. The Motion to Suppress is **GRANTED** as to the February 15 Warrant and supporting application related to obtaining a tracking warrant for a 2004 rose-colored Porsche Cayenne SUV;
 - b. The Motion to Suppress the June 11, 2019 Tracking Warrant for the 612-219-98XX Cellphone is **DISMISSED AS MOOT**;
 - c. The Motion to Suppress is otherwise **DENIED**; and
8. Defendant's Motion for Relief from Prejudicial Misjoinder or, in the Alternative, for Severance [Doc. No. 266] is **DENIED**.

Dated: November 23, 2021

s/Michael J. Davis

Michael J. Davis

United States District Court